IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 719 of 2001
in
SPECIAL CIVIL APPLICATION No 8743 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRESIDENT

Versus

SANJAYKUMAR MAHENDRAKUMAR MEHTA

Appearance:
MR BG JANI for Appellant No.
MR IM PANDYA with MS VIMALA NAILWAL for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE H.H.MEHTA

Date of decision: 08/08/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.M.PANCHAL)

Admitted.

2. Mr.I.M.Pandya, learned advocate waives service of notice on behalf of the opponent. Having regard to the facts and circumstances of the case, the appeal is taken up for final disposal today.

3. By filing this appeal under Clause 15 of the Letters Patent, the appellant has challenged the legality of the judgement dated June 22, 2000 rendered by the learned Single Judge in Special Civil Application No.8743 of 1999 by which award dated May 14, 1999 passed by the Labour Court, Kalol in Reference (LCK) No.133 of 1989 directing the appellant to reinstate the respondent in service with 50% backwages is upheld.

4. During the course of hearing of the appeal the parties have presented, Settlement pursis dated August, 8, 2001 which reads as under :

" SETTLEMENT PURSIS

The undersigned parties i.e. appellant and the Respondent in the aforesaid LPA have arrived at amicable settlement on the following terms.

1. The respondent - workmen is already reinstated in the service by the appellant society which effect from 25-7-2000 as per the order dated 14-5-99 passed by the Presiding Officer, Labour Court, Kalol in Ref. (LCK) No.133/89.

2. So far as back wages are concerned, the Ld. Presiding officer, of the Labour Court, Kalol has awarded 50% back wages. Against this, it is agreed between the undersigned parties that the appellant society shall pay 25% back wages within 60 days from today after taking into calculation due increments, other benefits accrued to the respondent workmen like payment of bonus, earned leave, etc. and the new pay scale as per the settlement.

3. Continuity of service shall be given to the respondent workmen.

Place : Ahmedabad.
Date : 8-8-2001

Sd/-
The President
The State Transport Cooperative
Credit and Thirft Society Ltd., Mahesana

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Signature of the Appellant.

Sd/

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Signature of the Respondent

Sd/-

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Signature of the Appellant's Advocate

Sd/-

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Signature of the Respondent's advocate "

5. The learned Counsel for the parties have stated at the Bar that the parties are present in the Court and that they have signed the settlement after understanding the contents of the settlement. The settlement is also signed by the learned Advocates representing their respective clients. The settlement is ordered to be taken on record of the case.

6. In view of the contents of the settlement, the award dated May 14, 1999 passed by the Labour Court, Kalol in Reference (LCK) NO.133 of 1989 as confirmed by the learned Single Judge of this Court in Special Civil Application No.8743 of 1999 stands modified and appeal is accordingly partly allowed. The parties are directed to abide by settlement agreed between them and act as per the said settlement.

The appeal accordingly stands disposed of with no order as to costs.

(J.M.Panchal, J)

(H.H. Mehta, J)

'Bhavesh'